

Magazines are ammunition magazines for the advertiser. Keep the kettle boiling by keeping the ads in circulation. What the ad is in, counts as much as what it is for. In advertising, never offer too much for too little. -Profitable Advertising.

"To what do you attribute the curative powers of your springs?" asked a visitor at a health resort. "Well," answered the proprietor, thoughtfully, "I guess the advertising I've done has had something to do with it." -Tit-Bits.

PLEASE DESTROY THIS CASE

Judge Listens to Counsel in the Matter of Striking Out Certain Evidence.

TAKEN UNDER ADVISEMENT

HAWLEY WILL OPEN FOR THE STATE TODAY.

Boise, July 18.—A day of argument on the admissibility of points of evidence followed the announcement from the defense that they had no further witnesses to offer in behalf of William D. Hayward. The jury was not brought into court, Judge Wood having been informed by counsel of their decision to rest without offer of rebuttal. Clarence Darrow spoke for an hour and a half of the morning session. Senator Borah replied in the afternoon and was followed by E. F. Richardson. Judge Wood will probably announce his decision tomorrow morning.

Argument of Counsel.

The point argued was the proposition to exclude from consideration by the jury the evidence offered by the defense to show the participation of miners from and the employment of detectives in the Cripple Creek district of Colorado, that a conspiracy was formed among the mine owners and the citizens of the district to prevent the employment of members of the Western Federation of Miners. The position taken by the Hayward defense was that Harry Orchard was employed by the Mine Owners' association through the district to commit crimes which were then charged to the federation, and public opinion aroused against the union workers and it therefore followed that if Colorado evidence for the state was admitted the defense had the right to show counter conspiracy. The reply of the state was that the defense had failed legally to connect their case in these particulars and therefore their evidence merely confused the issue.

Darrow Assailed Pinkertons.

In the absence of the jury the argument gave counsel an opportunity to make a wide range of comment on the methods employed on both sides. Mr. Darrow was impassioned and vituperative. He bitterly assailed Orchard and the Pinkertons. He maintained that Orchard's story in connection with Hayward and the Western Federation with the various crimes to which he has confessed had not been corroborated; that the vindicator mine explosion was an accident; that the Independence depot explosion, where fourteen men were killed, was planned by K. C. Sterling and D. C. Scott, railroad detectives, and that the Pinkertons were employed to join the unions and incite the members to riot and disorder. Incidentally he said the Bradley incident in San Francisco was due to an explosion of gas as shown by the evidence and not by the overt acts confessed to by Orchard except by the discredited testimony of Orchard himself.

Borah's Reply.

Senator Borah confined himself largely to the legality of the question of admissibility. He spoke for an hour, reviewing the evidence and claims made by the defense, which he said failed to show by any member of the alleged conspiracy between the Mine Owners and the Pinkertons that any such conspiracy existed. He took the position that the defense had failed to show that a conspiracy can only be considered after the introduction of direct evidence of a conspirator.

Defense Rested.

The defense in the Hayward case rested immediately after court opened this morning and without calling a single witness in rebuttal. Judge Wood announced that the opening argument for the state to the jury would be made tomorrow morning by Attorney James H. Hawley.

Argument Opened by Darrow.

Clarence Darrow was the first to speak today. His speech was preceded by a brief announcement on the part of Senator Borah that the state would not oppose the striking out of that part of Harry Orchard's testimony which dealt with talk to Steve Adams and Peabody to Adams going into northern Idaho and "getting rid of some claim jumpers." Judge Wood called the attention of the jury to the fact that the state had requested to give their opinions as to the materiality of the evidence showing deportations and the employment of detectives by the mine owners and citizens of Colorado.

Continued on Page 2.

HUNDREDS OF PERSONS DROP IN STREETS OF PHILADELPHIA WHILE WATCHING ELKS' PARADE.

ONE FATALITY REPORTED

NEWLY-ELECTED OFFICERS INSTALLED.

Philadelphia, July 18.—The parade of the Benevolent and Protective Order of Elks today was marked during its progress by the prostration from heat of an army of persons estimated by the police and hospital authorities at 2,500. The number would have been greater had it not been for the eventual downpour of a heavy rain. Never has there been such a wholesale prostration of people in the city. For six hours the police, ambulances, surgeons and the Red Cross nurses were kept on the run looking after persons who collapsed under the scorching rays of the sun and largely because of their excellent service but one case resulted fatally. James Kowalski, aged 41 years, was stricken in a hospital after being struck in the street. The other stricken persons appeared to be in good condition, with no prospect of fatal results.

Few Marchers Overcome.

The parade ground was on Broad street for a distance of three miles north and the same distance south of the city hall. The paraders counted the line to be last three miles back to the city hall, so that they traversed upward of nine miles, yet few of those overcome by the heat were in the line of march.

Grand Officers Installed.

The grand lodge installed its newly-elected officers tonight, at which time it was announced that at a previous session the state associations of Elks had been given official recognition. This decision on the part of the grand lodge settles a fight that has been waged for two years. The state association is restricted in its work and may not take up legislative matters or interfere with the executive affairs in the subordinate lodges. Its principal work will be along charitable and fraternal lines.

Hottest Day of Summer

Mercury Touched 89 in New York and 98 1/2 at Washington—Many Prostrations.

New York, July 18.—The crest of the not wave that reached New York yesterday touched this summer's record mark of 89 at noon today. Then the temperature dropped to 75 this evening, where it stood all night. The dew point was reported to the police as having been directly in the vicinity of the heat and humidity, while some fifty cases of prostrations were reported at the hospital.

Millionaire Drops Dead.

William A. Paxton, of Omaha, Receives Sudden Summons.

Omaha, Neb., July 18.—William A. Paxton, Jr., a pioneer and millionaire business man, dropped dead at his home in this city tonight. Mr. Paxton was born in Springfield, Ky., seventy years ago. He came to Omaha at the age of 23 and has been identified with the interests of the city ever since. He was employed in the construction of the military road between Omaha and Salt Lake and later was one of the contractors who built the Union Pacific railway. Later he made a fortune in the cattle business in Nebraska and Wyoming.

Testimony Secured.

W. W. Raibe of Milwaukee Turns State's Evidence in Fraud Case.

Denver, July 18.—W. W. Raibe, a mining man of Milwaukee, who was arrested on a federal grand jury indictment, charging him and five others in connection with the Federal Coal Mining company with alleged fraudulent acquisition of Routt county, Colo., coal lands, has given a signed statement to United States District Attorney Cranston, in which he goes into the details of the whole conspiracy to defraud the government. Raibe was today taken to the United States Commissioner Hinsdale and released on his own recognizance after agreeing to appear at the trial as a witness for the government.

Boiler Explosion.

Cheyenne, Wyo., July 18.—By the explosion of a boiler of a locomotive drawing a freight train near Latham, Wyo., today an unknown tramp was killed and Engineer Robert Atkins, Fireman E. B. Verry and brakeman Charles Howard, all of Rawlins, Wyo., were fatally injured.

Chain Gang Sentence.

Asheville, N. C., July 18.—James H. Wood, district passenger agent, and J. C. Wilson, ticket agent of the Southern Railway, who were arrested yesterday after the departure of a train from Pritchard for Raleigh, were today found guilty in the police court of selling passenger tickets in disregard of the new rate law and each sentenced to thirty days on the chain gang. Mr. Wood is an alderman of this city. Little doubt is felt that some way will be found to save Wood and Wilson from serving this sentence.



School Boy—"They Have My Sympathy, Nit."

ACCIDENT DUE TO FLAREBACK

Probable Finding of the Naval Court of Inquiry on the Georgia Explosion.

Washington, July 18.—The naval court of inquiry in the case of the explosion upon the Georgia will find that the accident resulted from a "flareback," meaning that when the breach of the eight-inch gun was thrown open after it had been discharged, some shreds of burning cloth or unconsumed gas was driven into the turret and upon the powder about to be inserted for the next charge.

Interview is Repudiated

Acting Secretary of the Interior Woodruff Talks About the Land Fraud Cases.

Washington, July 18.—Acting Secretary of the Interior Woodruff today denied the authenticity of an interview with him published recently in western newspapers in which he is quoted as saying: "All special inspectors are to be massed in all-acting and frantically for coming year, leaving illegal fences to be attended to later on."

Milner Commercial Club

Business Men of Snake River Town Form Organization.

At a meeting held in Milner, Idaho, July 12, 1907, for the purpose of organizing a commercial club at that point, the following gentlemen were present: D. C. MacWatters, Major Fred R. Reed, C. M. Hapgood, H. E. Grant, H. K. Belmont, C. C. Kretsch, W. J. Blakely, Paul Robertson, H. H. Strong, D. O. Longenecker, J. V. Baker.

UNION REFUSED

Proposition of Telegraph Companies Declined and Strike Will Continue.

Oakland, July 18.—The striking commercial telegraph operators at a regular union meeting today refused by a standing vote to accept concessions as framed by their national executive committee. The Western Union and Postal company concessions were declined. The Western Union offered 25 per cent increase of pay after the telegraphers were at work and would take back all but three of the strikers. The Postal would reinstate 50 per cent of the strikers.

Nebraska Volunteer Officer

Who Turned Banker Comes to Grief at Manila.

Manila, July 18.—P. O. Mulford, former cashier of the defunct American bank at Manila, was today sentenced to imprisonment for eight years and ten months on conviction of having falsified notes purporting to be a part of the assets of the bank.

Autos Collided Head-On

One Man Fatally Injured and Two Bady Hurt as Result—Accident in the Dark.

New York, July 18.—Thomas A. Donovan, 39 years old, a chauffeur, was fatally injured and two other men hurt when an automobile driven by Donovan collided head-on with another machine on Ocean Parkway, in Brooklyn, early today.

Gentry Stays in Prison.

Harrisburg, Pa., July 18.—The state board of pardons has refused to recommend a pardon for the actor, who was convicted of the murder of Madege Yorks, an actress, in Philadelphia in 1896.

Colonel Lockwood Goes to His Home to Await Retirement.

Washington, July 18.—Colonel Benjamin C. Lockwood, Twenty-ninth infantry, is command at Fort Douglas, Las, Utah, was today granted leave of absence for four months, during the expiration of which he will proceed to his home to await retirement. He has a civil war record and was given his present command in August, 1903.

Sentence Suspended.

Toledo, O., July 18.—The workhouse sentences imposed upon two bridge trust men and the imposition of the \$1000 fines against the local brickmen for violation of the Valentine anti-trust law, were suspended today pending hearing on appeal.

SENTENCED FOR HIGH FINANCE

Nebraska Volunteer Officer Who Turned Banker Comes to Grief at Manila.

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Government Going After the Lynchers

Guthrie, Okla., July 18.—For the first time in the history of Oklahoma, the government will prosecute lynchers. United States Marshal John Abernathy and two assistant United States attorneys are in Osage, Oklahoma tonight to secure the names of the members of the mob that Tuesday night hanged the negro, Frank Bailey, for assaulting brakeman Frank Kelly. Charges of murder will be preferred against the men and boys. Osage is in an Indian reservation and the territorial authorities have no jurisdiction.

Brutality in Kentucky.

Hopkinsville, Ky., July 18.—The threshing machine of John Fields, a non-association farmer, was being used today at Oak Grove by dynamite concealed in the wheat. Two laborers were seriously injured. Fields had been warned to join the farmers' association several months ago.

Opened to Entry.

(Special to The Herald.) Washington, July 18.—The acting commissioner of the land office has ordered the reopening for entry of township 8 south, ranges 21 to 25, in Salt Lake land district, lying along White river in the Uncompahgre country. This land was suspended in 1897 pending resurvey as to descent and termination of mineral rights in asphalt or gilsonite. Sixty days notice will be required before entries can be received.

Richardson & Adams Co.

C. F. Adams of Richardson & Adams Co., a merchant in this city, is very much interested in what you have said in your columns about Fort Douglas being in jeopardy. It is a million years to be every reason why this should be.

Four Deaths and Enormous Damage Caused by Storms in West Virginia

Pittsburg, July 18.—Conservative reports to the Associated Press tonight from interior points of West Virginia indicate that the floods caused by storms and cloudbursts during the past forty-eight hours are receding and that the damage will reach at least half a million dollars. Four deaths have thus far been reported. The damage to the Baltimore & Ohio railroad will reach \$300,000, principally in tracks washed away. The most damage to private property was at Newburg, where several buildings were washed away and nearly every house to highways will reach several hundred thousand dollars.

PROMINENT CITIZENS DECLARE THE PLAN IS FEASIBLE AND INSIST THAT IT SHALL BE CONSUMMATED.

Many Good Reasons Are Advanced to Demonstrate Why Fort Douglas Should Be Enlarged.

All Salt Lake is today behind the movement to get the brigade post for Fort Douglas. By the sheer effort of public spirit, Salt Lake City hopes to overcome the lead of Denver and Cheyenne in the effort to obtain an increased military establishment where it properly belongs.

The proposition has been renewed with vigor at just the proper time, and there is every probability that success will follow concerted effort. That the concerted effort will be made is clearly shown by the interviews which follow with some of the most prominent of Salt Lake's business men. In the absence of President Halloran and the Honorable Secretary Harris exact statements of the Commercial club's future movements cannot be made. Most of The Herald's interviews and statements are from leading members of the body who from leading members of the Commercial club who desire to have the organization for the effort formed within that club.

Effort Made Once Before.

The Commercial club, as will be seen from the statement of the association secretary, at one time had the proposition under consideration and even went so far as to appoint a committee, include on it the decision in congress from the city and to wire President Roosevelt and Secretary Taft. That the effort proved abortive is in no way a reflection on the members of the Commercial club. It was simply an indication that the time was not ripe. The idea of a brigade post movement and although there is by no means a certainty of success yet with all Salt Lake behind it, the movement should succeed. For this statement Senator Thomas Kearns, who has just returned from the east, is the authority. Senator Kearns worked manfully and long in the interests of Fort Douglas during his stay in Washington, as the United States senator from Utah. The interviews follow:

Senator Thomas Kearns.

Senator Thomas Kearns—During my entire stay in Washington I have thought more deeply at heart than the Fort Douglas post. It should be a brigade post. The Herald has so clearly demonstrated its superiority over Denver and Cheyenne and other western points. The location is not better than that of Fort Douglas. It would be an ideal place for the recuperation of soldiers after serving in the Pacific. The water is superior to the best for the purpose in the country and in connection with the brigade post would be the best and most healthful ground for the recuperation of soldiers. In office or out of office my friends and neighbors are all in favor of the brigade post. The Herald's movement to make a brigade post to be one of the greatest things for the future of the city. I shall be glad to aid in any way in my power.

Ex-Governor Wells.

Heber M. Wells—I am heartily in accord with the idea of a brigade post. Fort Douglas made a brigade post it can be done if the proper effort is put forth. The Herald has set forth its advantages for the distinction. They are all true. In addition to The Herald's inviolable position, the brigade post is behind in its information with respect to Russell. It says that Senator Warren when General J. Franklin Bell comes a brigade post if he can. He has already done so. It is a brigade post. Another advantage of the brigade post is the school facilities of Salt Lake City for the officers' children. It beats Denver because of closer proximity of Douglas to Salt Lake than of Logan to Denver, to say nothing of the possible superiority of our schools, which Denver might not admit. When General J. Franklin Bell comes, the president of the Commercial club lay the same before him as an endeavor to lure him into the advocacy of it.

The Commercial Club.

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Richardson & Adams Co.

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Continued on Page 2.

OKLAHOMA REPUBLICAN CONVENTION TURNS INTO A HOWLING, FIGHTING MOB

Muskogee, I. T., July 18.—An attempt by Henry Asp, a prominent attorney, of Guthrie, to address the Republican convention here today converted the meeting into a howling, fighting mob. Pistols were brandished, knives flashed and chairs were wielded right and left, resulting in bruises and minor injuries to several persons. Officers with drawn pistols who threatened to shoot into the crowd if the fighting did not stop failed to quell the disturbance. United States Deputy Marshal Ed Ledbetter appeared on the scene and practically took charge of the meeting. Ledbetter is a Democrat and was kept from being mobbed and prevented bloodshed. Asp, pale and trembling, was taken away from the meeting. The trouble started when the anti-Frantz and anti-stanchord forces, of which Asp is a member, attempted to address the meeting before the organization was permitted. The Frantz forces were victorious in the test vote for temporary chairman and the other element then subsided and quiet was restored.